THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NOs.225 and 163 of 2001

1st September 2005

1. WRIT APPEAL NO.225 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13.09.2000 in W.P.NO.8090 OF 1998 on the file of the High Court.)

Between:

The Director General, National Institute of Rural Development, Rajendranagar, Hyderabad.

...APPELLANT/RESPONDENT

AND

1. Ch.B.K.Sharma, S/o.Late Ch.Suryanarayana, Avadhunulu, 50 years, Jr.Steno, NIRD, Rajendranagar, Hyderabad – 500 030 and 8 others

...RESPONDENTS/PETITIONERS

2.WRIT APPEAL NO.163 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13.09.2000 in W.P.NO.8090 OF 1998 on the file of the High Court.)

Between:

1. Ch.B.K.Sharma, S/o.Late Ch.Suryanarayana, Avadhunulu, 50 years, Jr.Steno, NIRD, Rajendranagar, Hyderabad – 500 030 and 8 others.

...APPELLANTS

AND

The Director General, National Institute of Rural Development, Rajendranagar, Hyderabad.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NOs.225 and 163 of 2001

COMMON JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Since these two appeals arise out of common order, they are taken up together for disposal.

Heard Sri L.Ravichander, the learned Standing Counsel appearing on behalf of the National Institute of Rural Development (NIRD)-appellant in W.A.No.225 of 2001 and Dr.P.B.Vijay Kumar, the learned counsel appearing on behalf of the appellants in W.A.No.163 of 2001.

In these two Writ Appeals, the challenge is made against the order dated 13.09.2000 in W.P.No.8090 of 1998 which was disposed of with a direction to the extent that the appellant shall grant the designation to the respondents as Stenographers Grade-II with a suitable identification to indicate that they are holding the post by virtue of the recommendations made by the Internal Works Study Unit ('the IWSU' for brevity) with effect from 12.06.1995 on which date the Executive Council, NIRD has approved with a further observation that the respondents are not eligible for any

other financial benefit and that they shall not claim seniority over the regularly promoted Stenographers Grade-II or for any other higher promotions.

The main case urged on behalf of the appellant-NIRD is that the respondents have been working as Stenographers Grade-I and subsequently they were given scales of pay on par with Stenographers Grade-II under the recommendation of the IWSU to give all benefits on par with Stenographers Grade-II and also to effect the promotions accordingly. The said promotions were also approved by the Executive Council, NIRD. Therefore, the claim of the respondents was to give

them re-designation as Stenographers Grade-II.

Contesting the said claim, the main objection raised on behalf of the appellant-NIRD was that the respondents are not qualified and therefore, they are not entitled to the claim. Taking into consideration the submissions made and also the fact that the NIRD itself has given the scales of pay on par with Stenographers Grade-II and further, having regard to the comprehensive recommendations made by their own unit i.e., IWSU, to treat the respondents as under Stenographers Grade-II, it was held that they are entitled to re-designation. However, while disposing of the Writ Petition, the learned Single Judge observed that the respondents are not eligible for any other financial benefit and that they shall not claim seniority over the regularly promoted Stenographers Grade-II or for any other higher promotions. Aggrieved by the same, the respondents filed W.A.No.163 of 2001.

Having considered the submissions made across the bar on both sides and on perusal of the material available on record, we are fully satisfied with the finding given by the learned Single Judge as it is fairly based upon their own action on the part of the management and the respondents were given scales of pay on par with the Stenographers Grade-II and further, they were given promotions under the recommendations made by IWSU. There is no dispute except to say that the respondents are not qualified. The posts, which the respondents were holding were also temporarily upgraded and they were put on probation for a period of two years. Even for all practical purposes, the cases of the respondents were processed under regular promotion Rules except giving re-designation on paper. In view of the reasons given by the learned Single Judge, we do not like to differ with the same nor find any valid ground on behalf of either of the appellants. Hence, there are no merits in the two Writ Appeals.

During the course of the arguments, the learned counsel appearing on behalf of the appellants in W.A.No.163 of 2001 pointed out that except appellant No.9, all the other appellants were already given re-designation. It is needless to mention that the management shall also consider the case of appellant No.9 in W.A.No.163 of 2001 on par with the other appellants.

Subject to the above observation, the two Writ Appeals are dismissed. No costs.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

1st September 2005

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